# PART III.

## REGULATION UNDER THE GOVERNMENT OF INDIA ACT, 1870 (33 VICT. C. 3.)

### REGULATION NO. II OF 1908.

### A Regulation for Protecting the Perim Pearl Fishery.

*Received the assent of the Governor General on the 16th September, 1908, published in the Gazette of India on 26th idem ; and in the Bombay Government Gazette on the 1st October, 1908.*

WHEREAS the right to fish for pearl and pearl shell in the territorial waters of the Island of Perim belongs exclusively to Government ; and whereas it is expedient to provide for the protection of this right by prohibiting fishing by the public save under license ; It is hereby enacted as follows :—

1. This Regulation may be called the Perim Pearl Fishery Regulation, 1908. Short title.

2. In this Regulation, unless there is anything repugnant in the subject or context,— Definitions.

(1) "Resident" means the Political Resident at Aden ; and

(2) "pearl oyster" includes the brood and spawn of pearl oysters but does not include ordinary edible oysters.

3. No person shall fish for pearl or pearl shell in the territorial waters of Perim except under a license granted by the Resident and to the extent and in the manner prescribed thereby. Prohibition of fishing for pearl without license.

4. (*1*) The Resident, with the previous sanction of the Local Government, may make rules to carry out the purposes and objects of this Regulation. Power of Resident to make rules.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe the form of licenses, the period and limits within which, and the conditions subject to which, licenses may be granted, and the fees to be paid by licensees ;

(*b*) regulate the management and inspection of the fishery and prescribe the seasons of fishing and the size of shell which may be taken ; and

(*c*) prescribe the accounts to be kept and the returns to be submitted by licensees, the particulars to be entered therein, and the manner in which they should be verified.

(*3*) All rules made under this section shall be published in the local official Gazette, and onsuch publication shall have effect as if enacted in this Regulation.

Certain acts prohibited.

5. No person other than a licensee, and his agents, servants and workmen, acting within the limits, if any, prescribed in his license, shall do, within the territorial waters of Perim, any of the following things, namely :—

(*1*) use any implement of fishing, except a line and hook or a net, adapted solely for catching floating fish and so used as not to disturb or injure in any manner any pearl oyster bed or pearl oysters or the pearl fishery ; or

(*2*) dredge for ballast or any other substance, whether of the like description or not, except under a lawful authority for improving the navigation ; or

(*3*) place any implement, apparatus or thing prejudicial or likely to be prejudicial to any pearl oyster bed or pearl oysters or to the pearl fishery, except for a lawful purpose of navigation or anchorage ; or,

(*4*) except as last aforesaid, disturb or injure in any manner any pearl oyster bed or pearl oysters or the pearl fishery.

Penalties.

6. (*1*) Whoever does any act in contravention of section 5 shall be punishable—

(*a*) for the first offence with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both ; and

(*b*) for the second and every subsequent offence with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(*2*) Whoever wilfully does any act in contravention of any rule made under section 4 or any condition of a license granted under section 3 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

Procedure.

7. Any offence under this Regulation committed in the territorial waters of Perim may be tried, punished and in all respects dealt with as if it had been committed on the land abutting on the sea coast of the Island of Perim.

Liability of master of ship for offences committed on board.

8. Where any offence under this Regulation has been committed by some person conveyed in a ship or boat, the master or person for the time being in charge of such ship or boat shall be deemed to have committed such offence unless he proves that he used due diligence to enforce the observance of this Regulation and that the offence in question was actually committed by some other person without his connivance, and that the actual offender has been convicted, or that he has taken all practical means in his power to prosecute such offender (if alive) to conviction.

Forfeiture of pearls, etc., by order of convicting Court.

9. On the conviction of any person for an offence punishable under this Regulation, the convicting Court may, in addition to any other penalty prescribed for such offence, order the forfeiture of all pearl and pearl oysters in respect of which such offender is convicted, and of the ship or boat in which such offender was conveyed, and her tackle, apparel and furniture, and any property on board thereof, and of any implement, apparatus or thing placed or used in contravention of the provisions of this Regulation.

Arrest without warrant.

10. Any police-officer, or other person especially empowered by the Resident in this behalf, may arrest without warrant any person committing in his view any offence punishable under this Regulation, or any person reasonably suspected of having been concerned in any such offence who refuses to give his name and residence, or gives a name and residence which there is reason to believe to be false.

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